

# U.S. Department of Labor

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**Issue Date: 18 July 2005**

CASE NO. 2005-CBV-2

In the Matter of:

THE APPLICABILITY OF WAGE RATES COLLECTIVELY BARGAINED  
BY SYSTEMS TRAINING AND RESOURCE TECHNOLOGIES, INCORPORATED  
(STARTECH) AND THE UNITED GOVERNMENT SECURITY OFFICERS  
OF AMERICA (UGSOA) LOCAL NO. 34 FOR SECURITY OFFICER  
SERVICES IN WASHINGTON, D.C.

## DECISION AND ORDER

On July 13, 2005, I conducted an on-the-record pre-hearing conference in this matter under Section 4(c) of the Service Contract Act of 1965, 41 U.S.C. § 351, *et seq.*, as amended, and as implemented by 29 C.F.R. §§ 4.10(c) and 6.50 to 6.56. The only party which participated in the conference was United Government Security Officers of America, Local No. 34 (“UGSOA Local 34”), although counsel for Systems Training and Resource Technologies, Inc. (“STARTECH”) and the Administrator of the U.S. Department of Labor’s Wage and Hour Division (“Administrator”) were present at the pre-hearing conference but declined to participate.

After going on the record, as required by 29 C.F.R. § 29 C.F.R. § 6.54(f), I marked and admitted into the record the Notice of Pre-hearing Conference and Hearing and Pre-hearing Order issued by me on May 20, 2005 and UGSOA Local 34’s Proposed Findings of Fact and Conclusions of Law submitted by it at the conference as Administrative Law Judge exhibits (“ALJX”) 1 and 2, respectively. Furthermore, based on the written and oral representations of counsel for STARTECH and the Administrator at the conference, both before and at the conference, I determined that no hearing was necessary to supplement the written evidence and the views and arguments that were presented by UGSOA Local 34 in its pre-hearing submission.

Pursuant 29 C.F.R. § 6.53(c), which requires that an Administrative Law Judge render his final decision forthwith when the parties agree that no hearing is necessary, I adopted at the pre-hearing conference UGSOA Local 34’s uncontested proposed findings of fact and conclusions of law and found that a substantial variance existed in this case. I also read into the record my own abbreviated findings of fact and conclusions of law, and, based on those findings of fact and conclusions of law, ordered that Special Police Officers employed by STARTECH at the USDA Headquarters in Washington, D.C. under contract No. N-00-600-01-D-0592, USDA Ref. No. 53-3142-1-6042, be paid the prevailing rate of \$22.74 per hour for police officers in the District of Columbia effective October 1, 2004 as required under Wage Determination No. 94-2104, Rev. No. 32. I further ordered that the transcript of the prehearing conference would constitute my

final decision and order. Finally, I informed those present that such decision and order was not, in my view, subject to review by the Administrative Review Board on any petition filed either by STARTECH or the Administrator since 29 C.F.R. § 6.57 specifically limits the filing of petitions for review to interested parties who participated in the proceeding before the Administrative Law Judge. Whereupon the proceedings were adjourned.

Based on the foregoing, IT IS HEREBY ORDERED this 18<sup>th</sup> Day of July, 2005 that, effective October 1, 2004, Special Police Officers employed by STARTECH at the USDA Headquarters in Washington, D.C. under contract No. N-00-600-01-D-0592, USDA Ref. No. 53-3142-1-6042 shall be paid the prevailing rate set forth in Wage Determination No. 94-2104, Rev. No. 32, of \$22.74 per hour for police officers in the District of Columbia.

IT IS FURTHER ORDERED that UGSOA Local 34's Proposed Findings of Fact and Conclusions of Law and my abbreviated findings of fact and conclusions of law contained in the transcript of the July 18, 2005 conference are incorporated herein by reference.

A

STEPHEN L. PURCELL  
Administrative Law Judge

Washington, D.C.